

HOUSE BILL No. 1596

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 20-26-18.2-1.

Synopsis: School resource officer training. Requires all law enforcement training academies to include instruction on youth and adolescent development, age appropriate interactions, and deescalation techniques as part of basic training curriculums. Requires that specialized training requirements for school resource officers include instruction on youth and adolescent development, criminal conduct, criminal prosecution, abuse and neglect, conflict resolution, deescalation techniques, learning disabilities, emotional issues, behavioral issues, and rehabilitative social services or resources.

Effective: July 1, 2015.

Lawson L, Mahan

January 20, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1596

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.164-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.



(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the Unanimous consent visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws



- 1 (IC 35-42-3.5).
- 2 (B) Identification of human and sexual trafficking.
- 3 (C) Communicating with traumatized persons.
- 4 (D) Therapeutically appropriate investigative techniques.
- 5 (E) Collaboration with federal law enforcement officials.
- 6 (F) Rights of and protections afforded to victims.
- 7 (G) Providing documentation that satisfies the Declaration of
- 8 Law Enforcement Officer for Victim of Trafficking in Persons
- 9 (Form I-914, Supplement B) requirements established under
- 10 federal law.
- 11 (H) The availability of community resources to assist human
- 12 and sexual trafficking victims.
- 13 **(11) Minimum standards for a course of study on youths and**
- 14 **adolescents that must be required for each person accepted**
- 15 **for training at a law enforcement training school or academy**
- 16 **and for inservice training programs for law enforcement**
- 17 **officers. The course must cover the following topics:**
- 18 **(A) Youth and adolescent development.**
- 19 **(B) Age appropriate interactions.**
- 20 **(C) Conflict resolution and deescalation techniques.**
- 21 (b) A law enforcement officer appointed after July 5, 1972, and
- 22 before July 1, 1993, may not enforce the laws or ordinances of the state
- 23 or any political subdivision unless the officer has, within one (1) year
- 24 from the date of appointment, successfully completed the minimum
- 25 basic training requirements established under this chapter by the board.
- 26 If a person fails to successfully complete the basic training
- 27 requirements within one (1) year from the date of employment, the
- 28 officer may not perform any of the duties of a law enforcement officer
- 29 involving control or direction of members of the public or exercising
- 30 the power of arrest until the officer has successfully completed the
- 31 training requirements. This subsection does not apply to any law
- 32 enforcement officer appointed before July 6, 1972, or after June 30,
- 33 1993.
- 34 (c) Military leave or other authorized leave of absence from law
- 35 enforcement duty during the first year of employment after July 6,
- 36 1972, shall toll the running of the first year, which shall be calculated
- 37 by the aggregate of the time before and after the leave, for the purposes
- 38 of this chapter.
- 39 (d) Except as provided in subsections (e), (l), (r), and (s), a law
- 40 enforcement officer appointed to a law enforcement department or
- 41 agency after June 30, 1993, may not:
- 42 (1) make an arrest;



(2) conduct a search or a seizure of a person or property; or
 (3) carry a firearm;
 unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic



1 training and has been appointed to a law enforcement department or
 2 agency on either a full-time or part-time basis is not eligible for
 3 continued employment unless the officer satisfactorily completes the
 4 mandatory inservice training requirements established by rules adopted
 5 by the board. Inservice training must include training in interacting
 6 with persons with mental illness, addictive disorders, mental
 7 retardation, autism, developmental disabilities, and Alzheimer's disease
 8 or related senile dementia, to be provided by persons approved by the
 9 secretary of family and social services and the board, and training
 10 concerning human and sexual trafficking and high risk missing persons
 11 (as defined in IC 5-2-17-1). The board may approve courses offered by
 12 other public or private training entities, including postsecondary
 13 educational institutions, as necessary in order to ensure the availability
 14 of an adequate number of inservice training programs. The board may
 15 waive an officer's inservice training requirements if the board
 16 determines that the officer's reason for lacking the required amount of
 17 inservice training hours is due to either of the following:

18 (1) An emergency situation.

19 (2) The unavailability of courses.

20 (h) The board shall also adopt rules establishing a town marshal
 21 basic training program, subject to the following:

22 (1) The program must require fewer hours of instruction and class
 23 attendance and fewer courses of study than are required for the
 24 mandated basic training program.

25 (2) Certain parts of the course materials may be studied by a
 26 candidate at the candidate's home in order to fulfill requirements
 27 of the program.

28 (3) Law enforcement officers successfully completing the
 29 requirements of the program are eligible for appointment only in
 30 towns employing the town marshal system (IC 36-5-7) and having
 31 not more than one (1) marshal and two (2) deputies.

32 (4) The limitation imposed by subdivision (3) does not apply to an
 33 officer who has successfully completed the mandated basic
 34 training program.

35 (5) The time limitations imposed by subsections (b) and (c) for
 36 completing the training are also applicable to the town marshal
 37 basic training program.

38 (6) The program must require training in interacting with
 39 individuals with autism.

40 (i) The board shall adopt rules under IC 4-22-2 to establish an
 41 executive training program. The executive training program must
 42 include training in the following areas:



- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency



as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established



1 under subsection (f).

2 (r) This subsection applies only to a gaming agent employed as a
3 law enforcement officer by the Indiana gaming commission. A gaming
4 agent appointed after June 30, 2005, may exercise the police powers
5 described in subsection (d) if:

6 (1) the agent successfully completes the pre-basic course
7 established in subsection (f); and

8 (2) the agent successfully completes any other training courses
9 established by the Indiana gaming commission in conjunction
10 with the board.

11 (s) This subsection applies only to a securities enforcement officer
12 designated as a law enforcement officer by the securities
13 commissioner. A securities enforcement officer may exercise the police
14 powers described in subsection (d) if:

15 (1) the securities enforcement officer successfully completes the
16 pre-basic course established in subsection (f); and

17 (2) the securities enforcement officer successfully completes any
18 other training courses established by the securities commissioner
19 in conjunction with the board.

20 (t) As used in this section, "upper level policymaking position"
21 refers to the following:

22 (1) If the authorized size of the department or town marshal
23 system is not more than ten (10) members, the term refers to the
24 position held by the police chief or town marshal.

25 (2) If the authorized size of the department or town marshal
26 system is more than ten (10) members but less than fifty-one (51)
27 members, the term refers to:

28 (A) the position held by the police chief or town marshal; and

29 (B) each position held by the members of the police
30 department or town marshal system in the next rank and pay
31 grade immediately below the police chief or town marshal.

32 (3) If the authorized size of the department or town marshal
33 system is more than fifty (50) members, the term refers to:

34 (A) the position held by the police chief or town marshal; and

35 (B) each position held by the members of the police
36 department or town marshal system in the next two (2) ranks
37 and pay grades immediately below the police chief or town
38 marshal.

39 (u) This subsection applies only to a correctional police officer
40 employed by the department of correction. A correctional police officer
41 may exercise the police powers described in subsection (d) if:

42 (1) the officer successfully completes the pre-basic course



described in subsection (f); and

(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

SECTION 2. IC 20-26-18.2-1, AS AMENDED BY P.L.30-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this chapter, "school resource officer" means an individual who:

(1) has completed the training described in subsection (b);

(2) is assigned to one (1) or more school corporations or charter schools to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

(i) protect against outside threats to the physical safety of students;

(ii) prevent unauthorized access to school property; and

(iii) secure schools against violence and natural disasters; and

(3) is:

(A) employed by a law enforcement agency;

(B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:

(i) is subject to the direction of the sheriff or appointing law enforcement agency;

(ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;

(iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and

(iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

(C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and



(2) received at least forty (40) hours of school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers; or

(C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and

(2) school building security needs and characteristics.

(d) Training described in subsection (b)(2) must include instruction on:

(1) school resource officer roles and responsibilities as defined by written school policy;

(2) differences between disciplinary infractions and criminal conduct;

(3) differences between administrative sanctions and criminal penalties;

(4) child and adolescent development;

(5) age appropriate interaction;

(6) age appropriate responses to disciplinary or criminal conduct;

(7) conflict resolution and deescalation techniques;

(8) identification of abuse and neglect;

(9) behaviors associated with abuse or neglect;

(10) resources available to victims of abuse and neglect;

(11) explanations of learning disabilities, emotional issues, and behavioral disabilities;

(12) legal protections available to students who receive special education services;

(13) bias free policing;

(14) cultural sensitivity and awareness;

(15) adverse consequences of criminal prosecution;

(16) local youth services; and

(17) mental health services.

